

[3332]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2023

IN

WP NO: 22467 OF 2023



Between:

1. K.Ucha Reddy, S/o Narsanna Age. 43 Years, Occ. Modal School Teacher, R/o H.No.1/78, Jampapuram Village, Kosigi Mandal, Kurnool District.
2. K. Basi Reddy, S/o Narsanna Age. 42 Years, Occ. Agriculturist, R/o H.No.1/8, Jampapuram Village, Kosigi Mandal, Kurnool District.
3. A. Lakshmikanth Reddy, S/o Narsanna Age. 38 Years, Occ. School Assistant R/o H.No.1/78, Jampapuram Village, Kosigi Mandal, Kurnool District.

Petitioners

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Panchayat Raj Department, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Kurnool District, Kurnool.
3. The District Panchayat Officer, Kurnool District, Kurnool.
4. Tahsildar, Kosigi Mandal, Kurnool District.
5. Jampapuram Gram Panchayat, Rep. by it's Panchayat Secretary, Jampapuram Village, Kosigi Mandal, Kurnool District

Respondents

Counsel for the Petitioner : Ms.V Sesha Kumari

Counsel for the Respondent No.1 : Government Pleader for Panchayat Raj

Counsel for the Respondent Nos. 2 & 4 : Government Pleader for Revenue

Counsel for the Respondent No. 5 : Sri G.Venkat Reddy, learned Standing counsel

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim direction directing the respondents to immediately stop laying of permanent road which is passing through the land of the petitioners to an extent of Ac.2-38 Cents, in Sy.No.42 of Jampapuram Village, Kosigi Mandal, Kurnool District, Pending disposal of WP No. 22467 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

"1. Heard.

2. Learned counsel for the petitioners submitted that, the respondent authorities are highhandedly contemplating to lay road in the petitioners land situated in Ac.2.38 cents in Sy.No.42 of Jampapuram Village, Kosigi Mandal, Kurnool district without following due process of law. If the same is allowed to continue, the rights of the petitioners would be affected. As such prayed to protect the interest of the petitioners.

On the other hand, Sri G.Venkat Reddy, learned standing counsel on oral instructions submitted that, there was cart track to some extent of the land and now it was upgraded to CC road and sought time to file a detailed counter in that regard.

Prima facie, there is a point made out for consideration. There is some force in the contentions of the learned counsel for the petitioners that the petitioners' rights would be affected. As such this court is inclined to pass the following order:

The respondent authorities are directed not to lay any road in the petitioners' property to an extent of Ac.2.38 cents in Sy.No.42 of Jampapuram Village, Kosigi Mandal, Kurnool district, until further orders."

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

For AS

TRUE COPY//

To,

1. The Principal Secretary Panchayat Raj Department, State of Andhra Pradesh, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Kurnool District, Kurnool.
3. The District Panchayat Officer, Kurnool District, Kurnool.
4. Tahsildar, Kosigi Mandal, Kurnool District.
5. Panchayat Secretary, Jampapuram Gram Panchayat, Jampapuram Village, Kosigi Mandal, Kurnool District (1 to 5 by RPAD)
6. One CC to Ms. V Seshu Kumar Advocate [OPUC]
7. Two CCs to Government Pleader for Panchayat Raj, High Court Of Andhra Pradesh. [OUT]
8. Two CCs to Government Pleader for Revenue, High Court Of Andhra Pradesh. [OUT]
9. One CC to Sri G.Venkat Reddy, learned Standing counsel [OPUC]
10. One spare copy

HIGH COURT

RCJ

DATED:29/08/2023

ORDER

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DIRECTION

